

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA**

TROY WILLIAMS,

Plaintiff,

v.

CAPITAL ONE BANK (USA), et al.,

Defendants.

Case No. 5:17-cv-01216-HNJ

**DEFENDANT EQUIFAX INFORMATION SERVICES LLC'S
ANSWER AND DEFENSES TO PLAINTIFF'S COMPLAINT**

Defendant Equifax Information Services LLC ("Equifax") files its Answer and Defenses to Plaintiff's Complaint ("Complaint") as follows:

PRELIMINARY STATEMENT

In answering the Complaint, Equifax states that it is responding to allegations on behalf of itself only, even where the allegations pertain to alleged conduct by all Defendants. Equifax denies any and all allegations in the headings and/or unnumbered paragraphs in the Complaint.

ANSWER

In response to the specific allegations in the enumerated paragraphs in the Complaint, Equifax responds as follows:

1. Equifax admits Plaintiff purports to bring claims pursuant to the Fair

Credit Reporting Act (“FCRA”), but denies it violated the FCRA in its handling of Plaintiff’s credit file.

2. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 2.

3. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 3.

4. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 4.

5. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 5.

6. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 6.

7. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 7.

8. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 8.

9. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 9.

10. Equifax is without knowledge or information sufficient to form a

belief as to the truth of the allegations in Paragraph 10.

11. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 11.

12. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 12.

13. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 13.

14. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 14.

15. Equifax states that the FCRA speaks for itself. To the extent Plaintiff misstates, misquotes, or mischaracterizes the FCRA, Equifax denies the allegations in Paragraph 15.

16. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 16.

17. To the extent Plaintiff has properly alleged his claims, Equifax admits the Court may exercise its jurisdiction.

18. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 18.

19. Equifax is without knowledge or information sufficient to form a

belief as to the truth of the allegations in Paragraph 19.

20. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 20.

21. Equifax denies it is a corporation. Equifax admits the remaining allegations in Paragraph 21.

22. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 22.

23. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 23.

24. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 24.

25. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 25.

26. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 26.

27. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 27.

28. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 28.

29. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 29.

30. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 30.

31. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 31.

32. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 32.

33. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 33.

34. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 34.

35. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 35.

36. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 36.

37. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 37.

38. Equifax is without knowledge or information sufficient to form a

belief as to the truth of the allegations in Paragraph 38.

39. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 39.

40. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 40.

41. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 41.

42. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 42.

43. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 43.

44. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 44.

45. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 45.

46. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 46.

47. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 47.

48. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 48.

49. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 49.

50. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 50.

51. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 51.

52. Equifax denies the allegations in Paragraph 52.

53. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 53.

54. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 54.

55. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 55.

56. Equifax denies the allegations in Paragraph 56.

57. Equifax denies the allegations in Paragraph 57.

58. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 58.

59. Equifax denies the allegations in Paragraph 59.

60. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 60.

61. Equifax denies the allegations in Paragraph 61.

62. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 62.

63. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 63.

64. Equifax denies the allegations in Paragraph 64.

65. Equifax denies the allegations in Paragraph 65.

66. Equifax denies the allegations in Paragraph 66.

67. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 67.

68. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 68.

69. Equifax denies the allegations in Paragraph 69.

70. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 70.

71. Equifax denies the allegations in Paragraph 71.

72. Equifax denies the allegations in Paragraph 72.

73. Equifax denies the allegations in Paragraph 73.

74. Equifax denies the allegations in Paragraph 74.

75. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 75.

76. Equifax denies the allegations in Paragraph 76.

77. Equifax denies the allegations in Paragraph 77.

78. Equifax denies the allegations in Paragraph 78.

79. Equifax denies the allegations in Paragraph 79.

80. Equifax restates its answers and defenses to Paragraphs 1-79.

81. Equifax admits the allegations in Paragraph 81.

82. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 82.

83. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 83.

84. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 84.

85. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 85.

86. Equifax denies the allegations in Paragraph 86.

87. Equifax denies the allegations in Paragraph 87.

88. Equifax denies the allegations in Paragraph 88.

89. Equifax denies the allegations in Paragraph 89.

90. Equifax denies the allegations in Paragraph 90.

91. Equifax restates its answers and defenses to Paragraphs 1-90.

92. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 92.

93. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 93.

94. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 94.

95. Equifax denies the allegations in Paragraph 95.

96. Equifax denies the allegations in Paragraph 96.

97. Equifax denies the allegations in Paragraph 97.

98. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 98.

99. Equifax denies the allegations in Paragraph 99.

100. Equifax denies the allegations in Paragraph 100.

101. Equifax denies the allegations in Paragraph 101.
102. Equifax restates its answers and defenses to Paragraphs 1-101.
103. Equifax denies the allegations in Paragraph 103.
104. Equifax denies the allegations in Paragraph 104.
105. Equifax denies the allegations in Paragraph 105.
106. Equifax restates its answers and defenses to Paragraphs 1-105.
107. Equifax denies the allegations in Paragraph 107.
108. Equifax denies the allegations in Paragraph 108.
109. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 109.
110. Equifax denies the allegations in Paragraph 110.
111. Equifax denies the allegations in Paragraph 111.
112. Equifax denies the allegations in Paragraph 112.
113. Equifax denies the allegations in Paragraph 113.
114. Equifax denies the allegations in Paragraph 114.
115. Equifax denies the allegations in Paragraph 115.
116. Equifax restates its answers and defenses to Paragraphs 1-115.
117. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 117.

118. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 118.

119. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 119.

120. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 120.

121. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 121.

122. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 122.

123. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 123.

124. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 124.

125. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 125.

126. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 126.

127. Equifax is without knowledge or information sufficient to form a

belief as to the truth of the allegations in Paragraph 127.

128. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 128.

129. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 129.

130. Equifax denies Plaintiff is entitled to any relief claimed in the Prayer for Relief.

131. Equifax admits Plaintiff has demanded a trial by jury and likewise demands a jury trial in this case.

132. Any allegation in Plaintiff's Complaint not heretofore specifically responded to by Equifax is hereby denied.

DEFENSES

Without assuming the burden of proof where it otherwise rests with Plaintiff, Equifax pleads the following defenses to the Complaint:

FIRST DEFENSE

At all pertinent times, Equifax maintained reasonable procedures to assure maximum possible accuracy in its credit reports.

SECOND DEFENSE

Plaintiff's damages, if any, were not caused by Equifax, but by another person or entity for whom or for which Equifax is not responsible.

THIRD DEFENSE

Equifax has complied with the Fair Credit Reporting Act in its handling of Plaintiff's credit file and is entitled to each and every defense stated in the Act and any and all limitations of liability.

FOURTH DEFENSE

Plaintiff cannot meet the requirements of 15 U.S.C. § 1681n in order to recover punitive or statutory damages.

FIFTH DEFENSE

Equifax adopts by reference the defenses, criteria, limitations, standards and constitutional protections mandated or provided by the United States Supreme Court in the following cases: *BMW v. Gore*, 517 U.S. 559 (1996); *Cooper Indus., Inc. v. Leatherman Tool Group, Inc.*, 532 U.S. 923 (2001); *State Farm v. Campbell*, 538 U.S. 408 (2003), and *Safeco Insurance Co. of America v. Burr*, 551 U.S. 47 (2007).

WHEREFORE, having fully answered or otherwise responded to the allegations in Plaintiff's Complaint, Equifax prays that:

- (1) Plaintiff's Complaint be dismissed in its entirety and with prejudice, with all costs taxed against Plaintiff;
- (2) it be dismissed as a party to this action;
- (3) it receive a trial by jury for all issues so triable;
- (4) it recover such other and additional relief as the Court deems just and appropriate.

Respectfully submitted this 23rd day of August, 2017.

/s/ Kirkland E. Reid

Kirkland E. Reid (REIDK9451)

Attorney for Equifax Information Services LLC

OF COUNSEL:

Jones Walker LLP

11 N. Water Street, Suite 1200

Mobile, AL 36602

Tel. (251) 432-1414 (main)

Fax (251) 439-7358

Email: kreid@joneswalker.com

CERTIFICATE OF SERVICE

This is to certify that on August 23, 2017, I have this day electronically filed a true and correct copy of the foregoing with the Clerk of the Court using the ECF system, which will send notification of such filing to the following:

Joshua H Threadcraft
BURR & FORMAN LLP
420 North 20th Street
Suite 3400
Birmingham, AL 35203

And via U.S. Mail to:

Troy T. Williams
PO Box 464
Harvest, AL 35749

/s/ Kirkland E. Reid

Kirkland E. Reid